

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Julie Edmonds-Mares

**SUBJECT: BOND FUNDED SOFTBALL  
FACILITY UPDATE**

**DATE:** January 13, 2014

Approved



Date

1/22/14

## **RECOMMENDATION**

Accept the report which provides an update on the Measure P Bond funded softball facility site selection process and direct staff to proceed with next steps toward implementing the following recommendations:

1. Pursue negotiations with the owners of the Arcadia site as shown on Attachment A for the development of a bond funded softball facility at that site with a minimum of four adult sized lighted softball fields.
2. Return to the City Council in late 2014 with recommendations on how to allocate any remaining reserves in the Parks and Recreation Bond Projects Fund for the softball facility.

## **OUTCOME**

Acceptance of the recommendation will allow staff to proceed with negotiations of the development of a facility that will accommodate adult and youth softball as well as youth baseball (hereinafter "Ballfield Facility") to serve demand for these activities throughout the City.

## **BACKGROUND**

In November 2000, San José voters approved a \$228,000,000 bond (Measure P) that provided funding for "constructing new recreational sports facilities." To date, the City has completed 93 of the 95 projects funded under this bond measure, including renovations to Happy Hollow Park & Zoo, renovations to 69 neighborhood parks, seven regional parks, nine community centers, and five trail projects that are now open to the public. The remaining projects to be completed are the Coleman Soccer Facility, which has been awarded as a design/build construction project, and the Ballfield Facility.

There is approximately \$17,600,000 remaining in the Park and Recreation Bond Projects Fund, with \$9,700,000 of the funding reserved for the Ballfield Facility and a contingency reserve for the overall bond program of \$7,900,000. Recommended uses for any remaining contingency reserve will be brought forward to the City Council in late 2014 after the Soccer Facility construction has commenced and the project scope for the Ballfield Facility is fully defined.

Since the passage of Measure P, the City has worked to construct both soccer and softball complexes to fulfill the Bond objective of "constructing new recreational sports facilities." Since funding has not been available to acquire land for these complexes, the City has focused on locating these facilities on land currently owned by the City or available to the City at no cost through partnership arrangements with other agencies. Nearly every large vacant parcel in the City has been considered for site placement over the past several years.

In June 2012, the City secured a site for the soccer facility off of Coleman Avenue near the Mineta San José International Airport and adjacent to the future San Jose Earthquakes Stadium. The soccer facility is anticipated to be completed in fall 2014.

On December 18, 2012, the Mayor and City Council approved an exclusive due diligence agreement with Hopkins Real Estate Group for the potential development of the Singleton former landfill site for use as a destination sports facility and retail development. Additionally, the Mayor and City Council approved the following six sites for staff to evaluate as potential locations for a bond funded Softball Facility:

- 1) Alviso Park
- 2) Arcadia
- 3) Columbus Park
- 4) County Fairgrounds
- 5) Shady Oaks
- 6) Singleton Landfill

Staff evaluated each of the above six sites against their ability to meet project objectives based on evaluation criteria approved by the Parks and Recreation Commission (PRC) on June 5, 2013, the Neighborhood Services and Education (NSE) Committee on June 14, 2013 and the full City Council on August 13, 2013.

On October 2, 2013, staff presented preliminary site data and community feedback results to the PRC at their regular public meeting. The PRC approved two motions as follows:

1. The Parks and Recreation Commission recommends that the City Council disperse fields throughout the City and maximize the total number of ballfields constructed; and
2. If tournament play is a Council priority, the Parks and Recreation Commission recommends either Arcadia or the Fairgrounds as preferred sites.

After reviewing the objective data and considering the input of the community, the PRC, and the NSE Committee, staff finalized recommendations for site selection and next steps for implementation of a Ballfield Facility. These recommendations were presented to the Mayor and

City Council on November 5, 2013. At the November 5<sup>th</sup> meeting, recommendations in a memorandum from Councilmembers Johnny Khamis and Pete Constant were approved, with additional direction to staff. In summary, the following actions were taken:

- Action on staff's recommendation was deferred;
- Staff was directed to explore the option of locating a softball complex at the Santa Clara County Fairgrounds location;
- Staff was directed to re-agendize Item 5.1 upon completion of an evaluation of the Santa Clara County Fairgrounds location;
- Council direction was provided that, regardless of which site is ultimately selected, the softball complex constructed should have at least six softball fields;
- Staff was instructed to report back to the City Council by February 1, 2014.

Additionally, City staff was requested to seek answers from County of Santa Clara staff to the following questions related to a potential partnership at the Santa Clara County Fairgrounds:

- What would be the term of a lease?
- Who would control the property?
- What would be the price of a lease on the property?
- Would the County be financially contributing to the fields?

On November 19, 2013, the Mayor and City Council considered a motion to reconsider the City Council action on the ballfield facility from the November 5, 2013 meeting. The item did not pass, thus the item was not reconsidered.

On January 14, 2014, the County of Santa Clara board of supervisors heard a report from County staff (Attachment C). In the report, County staff recommended the following to their board:

1. Provide direction to staff regarding the possible inclusion of an Open Space/Recreational Component among a set of guiding principles for Fairgrounds Master Planning;
2. Authorize communication with the City indicating that providing answers to all of the questions outlined in the City's letter of November 27, 2013 is pending completion of planning efforts for the Fairgrounds.

At the January 14<sup>th</sup> meeting, the County board of supervisors took the following actions:

- (a) Provide direction to staff regarding the possible inclusion of an Open Space/Recreational Component among a set of guiding principle for Fairgrounds master planning.
- (b) Authorize communication with the City indicating that providing answers to all of the questions outlined in the City's letter of November 27, 2013 is pending further planning efforts for the Fairgrounds; and, that the County would be open to receiving further refinements of, or amendments to, the City's proposal.
- (c) Direct Administration to begin community outreach for Fairgrounds master planning with a community meeting and additional public meeting with the Board of the Fairgrounds Management Corporation.

- (d) Direct Administration to consider additional staff support for the Fairgrounds master planning process and report to the Board with a recommendation.

## **ANALYSIS**

The report supporting City staff's November 5, 2013 recommendation to place the Ballfield Facility at the Arcadia site can be found at the following web link: <http://www.sanjoec.ca.gov/DocumentCenter/View/25950>. Since the November 5, 2013, City Council meeting, City and County staff have had several discussions regarding the potential placement of a Ballfield facility at the County Fairgrounds. In order to address the questions requested by the City Council on November 5<sup>th</sup>, City Staff provided these questions along with a draft term sheet to County staff. This term sheet is included as Attachment B to this memorandum and was based on the framework of the existing agreement between the City and the County for Shady Oaks Park.

As indicated by the actions at the January 14<sup>th</sup> County Board of Supervisor's meeting, the County is open to receiving further refinements of the City's proposal. However, they are unable to answer the City's specific questions at this time since they are so early in their master planning process for the Fairgrounds site. As stated in the January 14<sup>th</sup> report to the County board of Supervisors, their master planning process is not anticipated to be completed for 3 to 5 years.

It is important that the City proceed as soon as possible with the selection and implementation of the softball facility as it is funded with general obligation bonds. City staff has continued to engage in discussions with the developer of the Arcadia Site since the November City Council meeting. If the Mayor and City Council approve the staff recommendation to pursue negotiations to place the Measure P funded facility at the Arcadia site, staff will return to the City Council at a later date in 2014 for approval of a development agreement for the site.

## **EVALUATION AND FOLLOW-UP**

Staff will report back to Council to request approval for specific actions needed to develop the Arcadia site, such as a development agreement, master plan approval, and environmental clearance.

## **POLICY ALTERNATIVES**

***Alternative #1: Do not pursue development of the Arcadia site for the Ballfield Facility as the top ranked site***

**Pros:** The larger Fairgrounds and Singleton sites offer land area adequate to support a larger Softball Facility and draw larger tournaments and may provide opportunity for future expansion.

**Cons:** These sites offer extended and unpredictable time lines for development and are likely to have unaffordable development and/or ownership costs.

**Reason for not recommending:** The Arcadia site offers the best opportunity for the City to build the most fields (four) at one site within a reasonable project delivery timeline.

***Alternative #2: Disperse sites throughout the City***

**Pros:** Residents throughout the City would benefit from investment in existing parks.

**Cons:** The net increase in the number of fields would be minimal and tournament play would not be supported.

**Reason for not recommending:** The Measure P bond funding offers a unique opportunity to build a larger project than the regular Capital Improvement Program offers so staff recommends building as many fields in one location as possible.

**PUBLIC OUTREACH/INTEREST**

- ☐ **Criterion 1:** Requires Council action on the use of public funds equal to \$1,000,000 or greater. **(Required: Website Posting)**
- ☐ **Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- ☐ **Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This memorandum does not meet any of the above criteria. However, initial site screening criteria was approved at public meetings held by the Parks and Recreation Commission (PRC) on June 5, 2013, the Neighborhood Services and Education (NSE) Committee on June 14, 2013, and the full City Council on August 13, 2013.

A community meeting was held on September 26, 2013, and staff received feedback on each of the six sites to help gauge community compatibility and input on how site selection rating criteria should be weighted. Staff presented a summary of community feedback to the PRC on October 2, 2013, and to the NSE Committee on October 10, 2013. This Council report will be posted to the City's website in advance of the February 4, 2014 City Council meeting.

**COORDINATION**

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

### **FISCAL/POLICY ALIGNMENT**

The project is consistent with the Council's approved Budget Strategy for Economic Recovery in that it would spur construction spending in our local economy. The proposed project aligns with the adoption of the Greenprint 2009 Update by City Council, the City's General Plan and the Measure P bond program.

### **COST SUMMARY/IMPLICATIONS**

The construction of this project is to be funded using available Measure P bond funds and current funding is anticipated to be adequate to cover development of the Arcadia site. There is \$9,700,000 reserved for the Softball Facility and a contingency reserve of \$7,900,000 that could be spent on costs associated with the development of the Soccer or Softball Facility.

While the Five-Year General Fund Forecast assumes net annual operating and maintenance costs of approximately \$80,000 when the facility is fully operational, these are draft figures that will be revised upon determination of final project scope. In addition, each site offers the opportunity to construct facilities that require more or less maintenance. For instance, the Fairgrounds site offers the potential to construct up to eight fields with associated amenities such as concession facilities that would require operations and maintenance costs. In comparison, the Arcadia site would offer food opportunities constructed, operated and maintained as part of the retail complex. Therefore, operations and maintenance costs at Arcadia would be lower in comparison to other sites evaluated. The relative costs to operate and maintain each site were incorporated into the ranking process and are reflected in the final site selection recommendations.

Subsequent to final site selection, staff will perform a service delivery model evaluation and develop a plan for the operations and maintenance for the Softball Facility to present to the City Council for approval as part of the annual budget process.

### **CEQA**

Not a Project, File No. PP1-069(a), Staff Reports. Environmental analysis will be completed for the final site selected and approved by the City prior to construction.

/s/  
JULIE EDMONDS-MARES  
Director of Parks, Recreation and  
Neighborhood Services

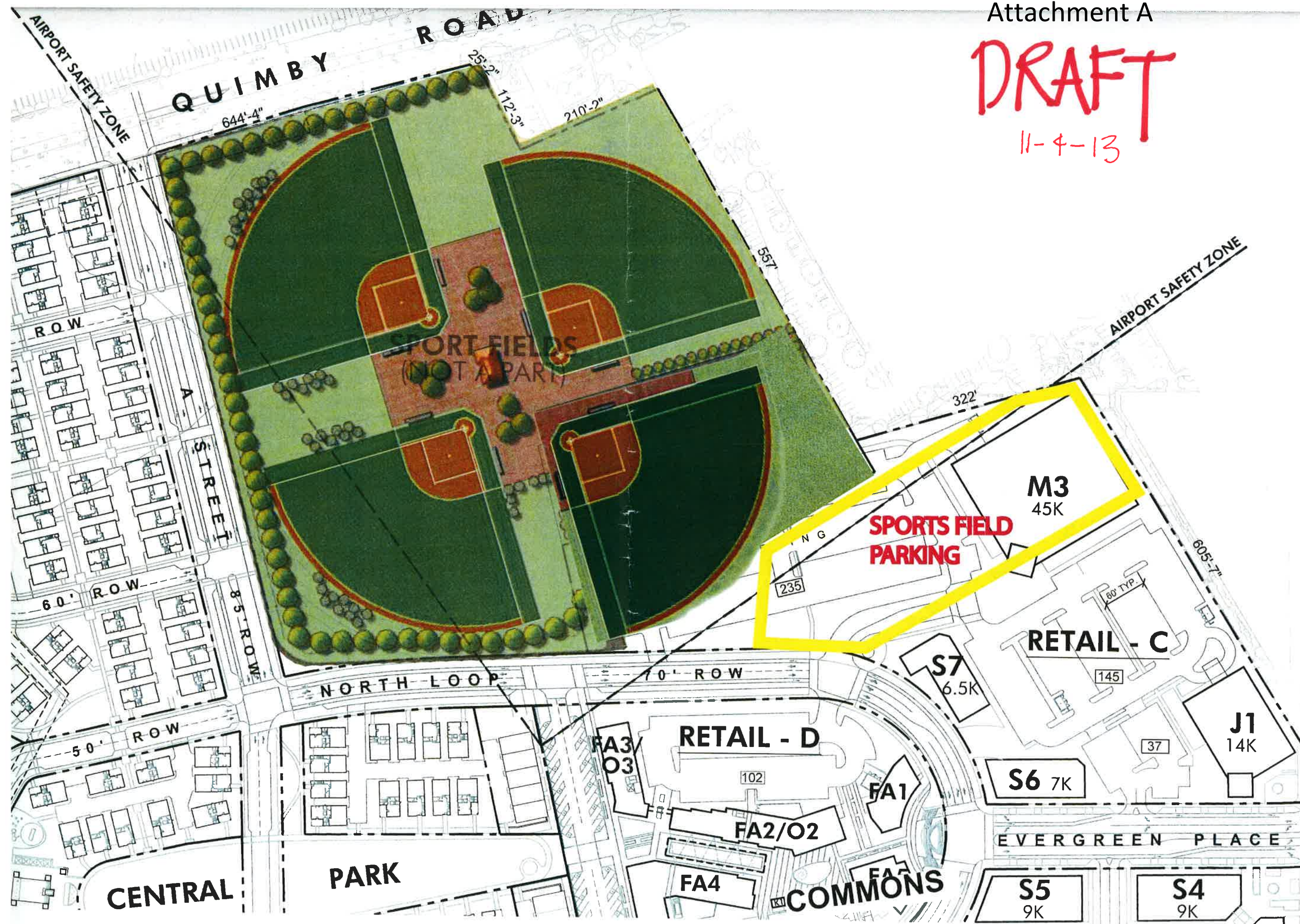
For questions please contact Matt Cano, Deputy Director, at 408-535-3580.

Attachments



DRAFT

11-4-13





# Attachment B



## *Parks, Recreation and Neighborhood Services*

November 27, 2013

### **Sent VIA EMAIL**

Mr. Bruce Knopf  
Director  
Asset and Economic Development  
County of Santa Clara

Bruce,

Thank you for the productive meeting we had on November 12<sup>th</sup>, as well as the letter from County Executive Jeff Smith that we received on November 15<sup>th</sup>. Per your email exchange with Deputy Director Matt Cano last week, you have requested information to share with your board about our discussions. The purpose of this letter is to summarize the information we provided to you.

As you are aware, we received direction from our City Council on November 5<sup>th</sup> to continue to explore the option of locating a softball/youth baseball complex at the Santa Clara County Fairgrounds and to report back to them within 90 days. As part of this direction, we were asked to explore the following questions with the County:

- What would be the term of a lease that the County would be willing to enter on the property?
- Who would control the property?
- What would be the price of a lease on the property?
- Would the County be financially contributing to the construction of the fields?

Attachment A provides a conceptual layout for an 8 field complex at the County Fairgrounds. This concept assumes using approximately 33.4 acres of County property. It includes associated parking and two buildings approximately 2,500 square feet in combined size, much smaller in size than the existing building at Twin Creeks.

Attachment B provides a draft of proposed lease terms for the placement of the City's bond funded facility at the County Fairgrounds. These terms are provided in order to develop a staff recommendation and any final terms would need approval from our City Council. In general concept, the terms are similar to those between the City and the County for Shady Oaks Park, which provides for the City to invest in the construction, operations and maintenance of open



Mr. Bruce Knopf  
November 27, 2013  
Page 2

space improvements on County property in exchange for a free long term lease of that property. We modified the table from what we provided you on November 12<sup>th</sup> to allow a comparison between the Shady Oaks agreement and our proposed terms for the Fairgrounds. While we realize it is unlikely for the County to be able to receive board approval on these terms by January 10, 2014, we are requesting a staff level proposal on these terms by that time so we can provide our city council with an update in early February 2014 and begin the project development/design process as soon as possible on the final selected ballfield site.

As we discussed at our meeting on November 12<sup>th</sup>, these draft terms are intended to be the beginning of the conversation with you and we look forward to continuing and advancing that discussion over the next few months. Please feel free to give me (793-5553) or Matt (535-3580) a call with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie Edmonds-Mares', written in a cursive style.

Julie Edmonds-Mares  
Director of Parks, Recreation and Neighborhood Services

## Attachment A – Site Layout



**Attachment B – Term Sheet**

<b>Term</b>	<b>Shady Oaks Agreement</b>	<b>Fairgrounds Proposal</b>	<b>Discussion</b>
Timeframe for Lease	95 years total: 50 years with a mutual option to extend for additional 45 years.	75 years	Term to recognize sizable level of capital investment and benefit to all city/county residents
Price for lease	Free lease, City to invest \$1 million for initial improvements.	same terms, with larger City capital investment	City would be investing significant dollars in up front construction as well as ongoing operations and maintenance in exchange for free lease.
Property control	City controls property and is responsible for all planning, design, construction, maintenance and operations on property.	same terms	
Sales Tax	Not addressed in agreement. However, agreement requires all fees generated from park use to be used to cover costs of improvements, maintenance, and operations of park.	County would receive any sales tax revenue from facility. Staff would propose that all non sales tax revenue for the site stay with the city.	Current design is showing 2,500 square feet of buildings which would likely not generate a significant amount of sales tax revenue. Additional acreage could be necessary for larger building.
County Financial Contribution	\$0	\$5 to \$10 million	This contribution, combined with City investment, could allow for expansion to up to 8 fields. If significantly larger clubhouse were desired, the cost could be higher.
County land contribution	89 acres (acres were reduced slightly in the year 2000 in order to accommodate for a staging area for Coyote Creek Trail)	Approximately 33.4 acres in location as shown on Attachment A (or similar). Property to be delivered to City by December 2014 for purpose of field construction.	It is important that the City receive the property by the end of 2014 so the City can deliver the softball fields to the residents in a timely manner and complete our Measure P Bond program.





69916 A

**DATE:** January 14, 2014

**TO:** Board of Supervisors

**FROM:** Gary A. Graves, Chief Operating Officer  
Bruce Knopf, Asset and Economic Development Director  
Robb Courtney, Director of Parks and Recreation Department

**SUBJECT:** Ground Lease Proposal for Ball Field Complex at the County Fairgrounds

## **RECOMMENDED ACTION**

Under advisement from November 5, 2013 (Item No. 32): Consider recommendations relating to ground lease requested by the City of San Jose (City) to accommodate a ball field complex at the Fairgrounds.

Possible action:

- a. Provide direction to staff regarding the possible inclusion of an Open Space/Recreational Component among a set of guiding principle for Fairgrounds master planning.
- b. Authorize communication with the City indicating that providing answers to all of the questions outlined in the City's letter of November 27, 2013 is pending completion of planning efforts for the Fairgrounds.

## **FISCAL IMPLICATIONS**

Accepting this report will have no impact on the General Fund.

## **REASONS FOR RECOMMENDATION**

At the meeting of November 5, 2013, the Board of Supervisors directed the Administration to accelerate discussions with the City of San Jose regarding the possibility of ball fields at the Fairgrounds and report back to the Board within 60 days. The date for report back was extended to the first meeting in January 2014.

## **SITE REQUIREMENTS**

Attachment A offered by City of San Jose staff depicts a conceptual layout based on an evaluation of the Twin Creeks Sports complex as a model. Twin Creeks is comprised of 49 acres consisting of ten ball fields, clubhouse, batting cages, a set of Little League fields (roughly equivalent to an additional 11<sup>th</sup> ball field) and 5.75 acres of parking accommodating

approximately 800 parking spaces. The conceptual site plan offered by San Jose would occupy approximately 33.4 acres organized on a 765 foot deep by 1,880 foot sized parcel. Although not specifically indicted on the diagram, the City of San Jose represents that this includes sufficient area for parking. Although this has not been broached with the City, if the County was willing to enter into a shared parking contract with the City for a length of term matching the term of the proposed ground lease (75 years), it may be possible to reduce the area of the ground lease proper. Well planned ingress and egress would need to be provided from a major thorough fare, as well as a cross easement access for parking, and access to utilities including water, sewer and electrical power.

## CITY PROPOSAL

The Administration has had several meetings and discussions with San Jose staff regarding a ball field proposal. The attached City letter dated November 27, 2013, outlines a draft proposal for an 8 field complex. The City suggests using an arrangement somewhat similar to that between the City and the County for Shady Oaks Park where the City has invested in the construction, operations and maintenance of open space improvements on County property in exchange for a rent-free, long-term lease of that property. The letter provides a comparison of terms between the Shady Oaks agreement and proposed terms for the Fairgrounds. According to City staff, Measure P funding is likely to only be sufficient to construct 4 to 6 fields, with the final number of fields dependent upon the specific site conditions and amenities such as artificial turf and the size of the clubhouse. The City is interested in negotiating capital participation by the County to cover the cost of two to four additional fields, for an estimated contribution of between \$5 million (for two fields) and \$10 million (for four fields).

As noted in the letter, on November 5, 2013, the San Jose City Council directed its staff to report back within 90 days and, if possible, to obtain answers to the following specific questions:

- What would be the term of a lease that the County would be willing to enter on the property?
- Who would control the property?
- What would be the price of a lease on the property?
- Would the County be financially contributing to the construction of the fields?

## METHODS OF COMMITTING COUNTY LAND TO A RECREATIONAL/PARKLAND USE

A previous memo to the Finance Government and Operations Committee dated October 10, 2013, outlined the process and options for dedicating a portion of the Fairgrounds to recreational purposes. The most direct way to designate part of the Fairgrounds as County Parkland would be for the Board to adopt a resolution designating certain lands as parkland. However, the process of later reversing this action, that is changing a use from parkland to some other use or disposing of parkland, can be restrictive. As the memo elaborates, there is a specific set of procedures and findings under the Park Abandonment Act or other similar

state law processes that would be required to “reverse” a designation of land as County Parkland. A ground lease as proposed by the City allowing the City of San Jose to use a portion of the Fairgrounds for City Park purposes would not entail the same long-term restrictions as converting the land to County Parkland, provided no County Park Charter funds are used for the project.

## PROPOSED ZERO RENT GROUND LEASE

The Fairgrounds is comprised of approximately 136 acres with an additional 14 acre parking lot located across Tully. The attached map of tenants at the Fairgrounds indicates that there is underutilized and uncommitted area that could accommodate a 33-acre ball field complex. However, a rent-free ground lease of 33 acres would represent an allocation of almost 25% of the main Fairgrounds parcel to a non-revenue generating use. Because asset planning for the Fairgrounds is at an early stage, there are no established priorities against which to evaluate such a proposal.

San Jose staff has suggested a conceptual willingness to discuss sharing net revenues based on a County contribution toward the cost of construction. However, they caution that their best information suggests that net revenue would likely be nominal at best. This is consistent with our experience of publicly operated sports fields of this type.

The following fiscal considerations are offered as context for the Board’s deliberations:

**FAIRGROUNDS FINANCIAL MANAGEMENT GOALS:** The Board-approved Fairgrounds Management Corporation, Inc. (FMC) Management Agreement establishes two over-arching priorities for operation of the Fairgrounds: (1) it directs FMC to work toward achieving a self sustaining state, and (2) Host the Annual County Fair. The expectation is that FMC would maximize revenue generating potential from all of its licenses and ground leases and other activities. Current revenue from tenants ranges up to \$50,000 per acre per year, depending on type of use and length of term.

**REVENUE POTENTIAL FROM HIGHEST AND BEST USE:** The County previously carved 12.3 acres of underutilized land from the Fairgrounds proper and ground leased it to ROEM Development and the Housing Authority for development of affordable housing. In FY 2013 the County received \$1.3 million in annual lease payments from these two leases for Family and Senior Housing. This equates to an annual lease payment of \$116,000 per acre when averaged over the two leases. The Senior Housing project alone generates \$265,000 per acre per year in revenue.

In 2001 this land was valued at approximately two million dollars per acre. It would be safe to estimate that a highest and best use valuation today for land at the Fairgrounds would range between \$1,000,000 and \$1,500,000 per acre. Typical market rates for annual ground lease payments would range between 7% and 9% of appraised, fee simple, market value. For example, the recent County approved lease to Acadia Health Care of the former Starlight facility at 455 Silicon Valley Boulevard uses 8% of fee simple value to set future adjustments of lease payments to market value. Applying an annual ground lease payment rate of 8% to an estimated fee simple value of Fairgrounds lands of between \$1,000,000 and \$1,500,000 per acre would yield between \$80,000 and \$120,000 per acre per year.



## REQUIRED OPEN SPACE:

**QUERY:** If the County were to pursue a highest and best use alternative, could there be a requirement to provide “non-revenue generating” area as open space in the amount of 30+ acres?

**RESPONSE:** Unlikely.

Even under highest and best use development some land is typically allocated to open space in order to meet Zoning Code requirements, particularly when new residential development is involved. However as described below, it is unlikely that any open space requirement could ever reach the level of 33 acres. San Jose Zoning requires dedication of three acres of raw land per 1,000 new residents in any proposed residential development. Based on type of residential unit, this would require a dedication of between 0.3 and 1.0 acres per 100 dwelling units of proposed residential. There is no such requirement for non-residential units.

The table below summarizes the community park component, for example, that was included in development proposals submitted to the County in response to the 2008 Request for Qualifications/Request for Proposals. None of these proposals reached a level of 30+ acres, and they were scaled for the most part toward redeveloping the entire Fairgrounds. One common characteristic was provision of 14 acres as part of a land swap with the School District for construction of a new school, and the assumption that the outdoor portion of the school site would accommodate a shared public park use. Overall, most of these proposals voluntarily committed more than the minimum required amount of land for open space uses:

Developer #1	Developer #2	Developer #3	Developer #4	Developer #5
14 acres including shared space with school	5 acre Neighborhood Green	15.5 acres of public recreational facilities	4 acre recreational community park	14.3acre park
5 acres of public open space in residential uses	8 acre community park	2.2 acres of private open space	0.5 acre linear park greenway	2.1 acre linear park
	1.5 acre plaza			6.6 acre event open space
				1.4 acres of public open space in residential uses

## CAPITAL CONTRIBUTION

The City of San Jose has asked the County to provide the land via a rent free lease plus a contribution of between \$5 million and \$10 million to help cover the cost of building four fields beyond those to be financed by the Measure P Bond project.

In addition to the General Fund, the Park Charter Fund comes up as a potential source of funds. The FY2014 Budget for the Park Charter Fund fully allocated the five percent (5%) annual set aside (approximately \$2 million) for Park Development. Currently approved

projects need over \$10 million to move them towards completion, and there is over \$50 million in projects on the unfunded Park Capital Improvement Project (CIP) list.

Consideration of use of the Park Charter Fund should be evaluated against Park Charter criteria and in the context of other identified project needs.

Use of Park Charter funds at the Fairgrounds would subject the affected property to restrictions on future non-park use as set forth in the Park Abandonment Act and other legal requirements described in a previous memo to the Finance Government and Operations Committee dated October 10, 2013, which outlined the process and options for dedicating a portion of the Fairgrounds to recreational purposes.

Should the Board indicate a desire for consideration of the use of Park Charter funds for the development of ball fields on the Fairgrounds property, the Department would recommend, as part of the evaluation against Park Charter criteria discussed above, first conducting a recreation needs assessment (1) to evaluate regional demand for ball fields versus the competing priorities of funding for other sports facilities, and (2) to ascertain whether or not there would be any deleterious impact on demand at the Twin Creeks facility where the County receives a percentage of gross revenue from the underlying ground lease (ten ball fields located on 49 acres).

#### **SITE CHARACTERIZATION STUDY**

The Administration has negotiated a draft scope of work with an on-call architect to conduct a full scale site reconnaissance and characterization study for the Fairgrounds. This would be a comprehensive summary of site conditions and constraints based on known information. It would not involve the generation of new data. The estimated cost for this work would be approximately \$115,000, and the report could be available within sixty days. The scope and cost of this work (Attachment) could be pared down following further Board direction.

#### **FAIRGROUNDS MASTER PLANNING**

It is early in the planning efforts for the Fairgrounds, and given the relatively greater level of public and stakeholder interest in the Fairgrounds as compared to the Civic Center, it would be appropriate to estimate an overall three to five year planning process. By way of example and assuming that the current process culminates in an agreement this Spring, the Civic Center Master Plan process will have taken 24 months to enter into a contract with Lowe Enterprises before any master planning has yet begun. The master planning process for Civic Center is anticipated to take an additional 24 months. Based on this experience, it would be fair to assume a three to five year process for the Fairgrounds.

As an input to the planning process, an objective of providing a specified amount of area for recreation/open space could be incorporated into the Framework of Principles for planning the Fairgrounds.

#### **CHILD IMPACT**

The recommended action will have no/neutral impact on children and youth.

#### **SENIOR IMPACT**

The recommended action will have no/neutral impact on seniors.

**SUSTAINABILITY IMPLICATIONS**

The recommended action will have no/neutral sustainability implications.

**BACKGROUND**

On November 5, 2013, the San Jose City Council deferred action on a site for a proposed softball complex pending a report from Staff by February 1, 2014.

**ATTACHMENTS:**

- Attachment A - Conceptual Ball Field Layout from City of San Jose (PDF)
- Letter from City of San Jose November 27, 2013 (PDF)
- Fairgrounds Tenants Dec 2013 - Site Plan (PDF)
- DRAFT Scope of Work Site Characterization Study (PDF)
- Fee Proposal - Site Characterization Study (PDF)
- Off-Agenda Memo Regarding San Jose City Council Action November 5, 2013 (PDF)



Mr. Bruce Knopf  
November 27, 2013  
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### Attachment A – Site Layout





*Parks, Recreation and Neighborhood Services*

November 27, 2013

**Sent VIA EMAIL**

Mr. Bruce Knopf  
Director  
Asset and Economic Development  
County of Santa Clara

Bruce,

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Sincerely,



Julie Edmonds-Mares  
Director of Parks, Recreation and Neighborhood Services



Mr. Bruce Knopf  
November 27, 2013  
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### Attachment A – Site Layout





Mr. Bruce Knopf  
November 27, 2013  
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### Attachment B – Term Sheet

Term	Shady Oaks Agreement	Fairgrounds Proposal	Discussion
Timeframe for Lease	95 years total: 50 years with a mutual option to extend for additional 45 years.	75 years	Term to recognize sizable level of capital investment and benefit to all city/county residents
Price for lease	Free lease, City to invest \$1 million for initial improvements.	same terms, with larger City capital investment	City would be investing significant dollars in up front construction as well as ongoing operations and maintenance in exchange for free lease.
Property control	City controls property and is responsible for all planning, design, construction, maintenance and operations on property.	same terms	
Sales Tax	Not addressed in agreement. However, agreement requires all fees generated from park use to be used to cover costs of improvements, maintenance, and operations of park.	County would receive any sales tax revenue from facility. Staff would propose that all non sales tax revenue for the site stay with the city.	Current design is showing 2,500 square feet of buildings which would likely not generate a significant amount of sales tax revenue. Additional acreage could be necessary for larger building.
County Financial Contribution	\$0	\$5 to \$10 million	This contribution, combined with City investment, could allow for expansion to up to 8 fields. If significantly larger clubhouse were desired, the cost could be higher.
County land contribution	89 acres (acres were reduced slightly in the year 2000 in order to accommodate for a staging area for Coyote Creek Trail)	Approximately 33.4 acres in location as shown on Attachment A (or similar). Property to be delivered to City by December 2014 for purpose of field construction.	It is important that the City receive the property by the end of 2014 so the City can deliver the softball fields to the residents in a timely manner and complete our Measure P Bond program.





## SANTA CLARA COUNTY FAIRGROUNDS SITE CHARACTERIZATION STUDY

### PROJECT DESCRIPTION

The Santa Clara County Fairgrounds is located in the southern part of Santa Clara County and within the San Jose city limits. The Fairgrounds comprises approximately 150 acres of land, consisting of approximately 135 acres located at 344 Tully Road (“Fairgrounds”) and an additional 14 acres across Tully Road, known as the Tully Road Parking Lot (“Parking Lot”). The Fairgrounds site (APN 497-38-001) is bounded on the north by Old Tully Road and Tully Road, on the west by Monterey Road, on the south by Umbarger Road, and on the east by Franklin School and existing residential development. The Tully Road Parking Lot (APN 477-21-089) is bounded on the south by Tully Road, on the east by Tenth Street, on the West by Seventh Street, and on the north by existing commercial and industrial uses.

The Fairgrounds is one of the larger contiguous sites in the Silicon Valley. In recognition of its value and its generally underutilized condition, the County has undertaken several efforts to improve the property over the last 20 years. In May 2007, the County initiated a developer selection process. Due to the downturn in the economy, however, development plans ceased, and the Board of Supervisors rescinded the designation of the Fairgrounds as surplus property in 2009. In March 2013, the Fairgrounds Oversight Committee requested that County Administration suggest a process for examining ways to improve use of the Fairgrounds.

The initial task will be a site characterization study and identification of strategic-level development opportunities. This phase will be based primarily on the compilation and assessment of previous studies and reports, enhanced with selected new information to serve as the basis for subsequent phases.

### SCOPE OF BASIC SERVICES

Phases and approximate durations are described below. Some phases will overlap, with concurrent tasks and shared meetings. Project Management Team meetings and other meetings may be held on-site or via webconference, as mutually-agreed by the County and the Consultant.

#### Phase One: Project Initiation (two weeks)

1. The Consultant will:
  - 1.1 Confirm project requirements.
  - 1.2 Review and refine project work plan, schedule, and communication protocols.
  - 1.3 Develop project tools: contracts and project directory.
  - 1.4 Conduct kick off meeting with Project Management Team (PMT) to confirm project goals and objectives.

**Meetings:** PMT Meeting #1

**Deliverables:** Project work plan, schedule, and directory; meeting agenda and summary minutes.

## Phase Two: Data Collection and Analysis (six weeks)

### 2. The Consultant will:

- 2.1 Review all County-provided documents and information about the Project.
- 2.2 Based upon County-provided information, prepare a summary of facility data including location, type, size, age, and use(s) of existing buildings and site areas.
- 2.3 Based upon County-provided information, summarize tenant occupancy commitments and constraints not cancellable within 12 months (such as cell towers) as well as relocation cost obligations.
- 2.4 Prepare a site survey identifying site features such as existing on-site utility and infrastructure lines (e.g. water); number/location of on-site parking spaces; number/location of RV hook-ups; etc. The survey shall extend 50' beyond all property lines. The survey will be prepared based upon aerial photographs as well as documents and information (such as as-built improvement plans and utility block maps) provided by the County, the City of San Jose, and utility agencies.
- 2.5 Prepare summary descriptions of adjacent land uses, including the VTA and school district-owned parcels, including noise and/or lighting limitations of adjacent tenancies.
- 2.6 Prepare a summary of the County-provided preliminary title reports for the two properties.
- 2.7 Based on previous studies and other information provided by the County, prepare a preliminary geotechnical report that summarizes existing soil characteristics for the Fairgrounds and vicinity of the site, potential issues, and preliminary geotechnical recommendations relating to foundations and earthwork.
- 2.8 Conduct a preliminary hazardous materials inspection for the Exposition Hall, Pavilion Hall, Gateway Hall, Fiesta Hall, Cafeteria, Town Hall, Arena, and Restrooms buildings. The inspection shall include a site walk through and a review of County-provided existing building plans and previous studies. Consultant will prepare a report summarizing the findings and identifying general remediation steps and costs.
- 2.9 Prepare exhibits summarizing relevant site access and transportation information, including highways, local roadways, bikeways, and public transit within a ½ mile radius of the site.
- 2.10 Prepare a Phase 1 biological investigation of plants and wildlife at the Fairgrounds site.
- 2.11 Prepare a Phase 1 historical significance analysis of the Fairgrounds site, including site development guidelines and constraints (if any).
- 2.12 Research and prepare a summary of precedent projects for the site to inform development of potential site opportunities.

**Meetings:** PMT Meetings #2 and #3; technical meetings as required.

**Deliverables:** Facility data summary; site survey; summary of adjacent land uses; title report summary; preliminary geotechnical report; preliminary hazardous materials report; preliminary phase 1 biological summary report; preliminary phase 1 analysis of historical significance; transportation exhibit; meeting agendas and summary minutes.

**Phase Three: Site Characterization and Opportunities (four weeks)**

## 3. The Consultant will:

- 3.1 Prepare exhibits that identify potential site development opportunities and constraints, such as under-developed or under-utilized areas, site access and circulation, etc.
- 3.2 Prepare exhibits illustrating site development opportunities, including potential new uses (recreation, housing, etc.) as well as potential relocation of fairgrounds facilities to alternate areas of the site.
- 3.3 Review site development opportunities with the County.

**Meetings:** PMT Meetings #2 and #3.

**Deliverables:** Site opportunities and constraints exhibits; site development options exhibits; meeting agendas and summary minutes.

**Phase Four: Final Report (three weeks)**

## 4. The Consultant shall:

- 4.1 Prepare a draft summary report for review and comment by the County. The County shall compile comments and resolve conflicts among multiple reviewers, if any.
- 4.2 Revise the report based on County comments and issue a final report.
- 4.3 Prepare a presentation of the site characterization study findings.

**Meetings:** PMT Meeting #4

**Deliverables:** Draft summary report; final summary report; final presentation.





# SITE CHARACTERIZATION STUDY SCHEDULE

MONTH 1

MONTH 2

MONTH 3

MONTH 4

PROJECT INITIATION

- Confirm project requirements
- Work plan, schedule, and communication protocols
- Project tools
- Kick off meeting

DATA COLLECTION AND ANALYSIS

- |                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Review County-provided documents and information</li><li>• Summary of facility data</li><li>• Site survey</li><li>• Summary descriptions of adjacent land uses</li><li>• Summary of County provided preliminary title report</li></ul> | <ul style="list-style-type: none"><li>• Preliminary geotechnical report</li><li>• Preliminary hazardous materials inspection</li><li>• Summarize relevant site access and transportation information</li><li>• Phase 1 biological investigation</li><li>• Phase 1 Historical Significance analysis</li></ul> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

SITE CHARACTERIZATION AND OPPORTUNITIES

- Potential site development opportunities and constraints
- Site development opportunities

FINAL REPORT

- Draft summary report
- Final report
- Presentation of study findings

MEETINGS

PMT  
#1

PMT  
#2

PMT  
#3

PMT  
#4

TECHNICAL  
MEETINGS

DRAFT

FEE SUMMARY

PHASE / DESCRIPTION	DISCIPLINE / CONSULTANT											Consult. Fee Subtot.	Consult. Markup 10.0%	Consult. Fee Incl. Markup	PHASE SUBTOTAL FEES
	Architect Group 4	Landscape	Civil BKF	Geotech Murray	Hazmat ProTech	Historic Garavaglia	Biological				Other				
Phase 1: Project Initiation	\$4,980														\$4,980
Phase 2: Data Collection & Analysis	\$19,560		\$25,500	\$4,250	\$5,500	\$5,000	\$3,920					\$44,170	\$4,417	\$48,587	\$68,147
Phase 3: Site Options	\$16,300		\$6,500									\$6,500	\$650	\$7,150	\$23,450
Phase 4: Report	\$11,260														\$11,260
SUBTOTALS:	\$52,100		\$32,000	\$4,250	\$5,500	\$5,000	\$3,920					\$50,670	\$5,067	\$55,737	Tot. Fee \$107,837

SUMMARY OF ALL HOURS & REIMBURSABLE EXPENSE

PHASE / DESCRIPTION	Architect Group 4	Landscape	Civil BKF	Geotech Murray	Hazmat ProTech	Historic Garavaglia	Biological				Other	PHASE SUBTOTAL HOURS	Group 4 Reimb. Exp. Incl._10%MU	Consult. Reimb. Exp. Incl._10%MU	ESTIMATED REIMB. EXPENSE
Phase 1: Project Initiation	34											34	500		\$500
Phase 2: Data Collection & Analysis	152		204	34	44	40	31					505	2,000	\$1,900	\$3,900
Phase 3: Site Options	130		52									182	1,700	\$400	\$2,100
Phase 4: Report	84											84	1,200		\$1,200
SUBTOTALS:	400		256	34	44	40	31					805	\$5,400	\$2,300	Tot. RE \$7,700

7.1% of fee

SUMMARY OF GROUP 4 HOURS & REIMBURSABLE EXPENSE

PHASE / DESCRIPTION	PIC DM \$195/hr	Principal DS \$180/hr	Associate JH/PJ \$160/hr	PM \$150/hr	Prof. 1 \$140/hr	Tech. 3 \$95/hr	Tech. 4 \$85/hr	Support \$80/hr	PHASE GROUP 4 HOURS	GROUP 4 REIMB. EXPENSE
Phase 1: Project Initiation	8		16			4		6	34	
Phase 2: Data Collection & Analysis		22	50			80			152	
Phase 3: Site Options	20		30			80			130	
Phase 4: Report	12		32			40			84	
SUBTOTALS:	40	22	128			204		6	400	

GROUP 4 HOURS

	PIC DM	Principal DS	Associate JH/PJ	PM	Prof. 1	Tech. 3	Tech. 4	Support	TOTAL GROUP 4 HOURS	GROUP 4 REIMB. EXPENSE
PHASE / DESCRIPTION										
Phase 1: Project Initiation										
1.1 Confirm project requirements	8		16			4		6	34	
1.2 Review/refine project work plan, schedule & communication protocols										
1.3 Develop project tools: contracts & project directory										
1.4 PMT #1 Kick off meeting										
SUBTOTALS:	8		16			4		6	34	

GROUP 4 HOURS

	PIC DM	Principal DS	Associate JH/PJ	PM	Prof. 1	Tech. 3	Tech. 4	Support	GROUP 4 HOURS	GROUP 4 REIMB. EXPENSE
PHASE / DESCRIPTION										
Phase 2: Data Collection & Analysis										
2.1 Review county-provided documents for this project		6	20			80			106	
2.2 Prepare summary of facility data		8	2						10	
2.3 Summary of tenant occupancy commitments & constraints			2						2	
2.4 Prepare site survey			2						2	
2.5 Prepare summary description of adjacent lande uses			2						2	
2.6 Prepare summary of county-provided preliminary title report			2						2	
2.7 Prepare preliminary geotechnical report			2						2	
2.8 conduct preliminary hazardous materials inspection			2						2	
2.9 Prepare exhibits summarizing relevant site access & transportation information			2						2	
2.10 Prepare phase 1 biological investigation			2						2	
2.11 Prepare a Phase 1 Historical Significance analysis										
2.12 Research & prepare summary of precedent projects for site										
2.13 PMT #2 & #3 Technical Meetings		8	12						20	
SUBTOTALS:		22	50			80			152	

GROUP 4 HOURS

	PIC DM	Principal DS	Associate JH/PJ	PM	Prof. 1	Tech. 3	Tech. 4	Support	GROUP 4	GROUP 4 REIMB. EXPENSE
PHASE / DESCRIPTION										
Phase 3: Site Options										
3.1 Prepare exhibits that identify potential site development										
3.2 Review site revitalization pooortunities & cnstraints w/County	20		30			80			130	
3.3 Develop evaluation criteria for site redevelopment opportunities										
3.4 Identify potential site development scenarios with County										
3.5 PMT #4 Technical Meetingn										
SUBTOTALS:	20		30			80			130	

GROUP 4 HOURS

	PIC DM	Principal DS	Associate JH/PJ	PM	Prof. 1	Tech. 3	Tech. 4	Support	GROUP 4 HOURS	GROUP 4 REIMB. EXPENSE
PHASE / DESCRIPTION										
Phase 4: Report										
4.1 Prepare draft final report	12		32			40			84	
4.2 County to review and comment										
4.3 Prepare final report and presentation										
4.4 PMT #5 & #6 Technical Meetings										
SUBTOTALS:	12		32			40			84	

# County of Santa Clara

Office of the County Executive

County Government Center, East Wing  
70 West Hedding Street  
San Jose, California 95110  
(408) 299-5105



**DATE:** November 15, 2013

**TO:** Board of Supervisors  
Jeff Smith, County Executive

**FROM:** Bruce Knopf, Asset and Economic Development Director

**SUBJECT:** San Jose City Council Action Regarding Soft Ball Complex

On November 5, 2013, the San Jose City Council deferred action on a site for a proposed softball complex pending a report from Staff by February 1, 2014. Draft minutes from the City Clerk of the Council action are attached. Clarification is pending as to whether the City Council direction specified a "minimum of six fields" or "up to" six fields. In addition to the information contained in the minutes, City staff indicates that they were directed to return to Council with answers to several specific questions:

- What revenue is desired by the County?
- What length of term would the County desire in an agreement?
- Would the County be inclined to contribute toward the capital cost of construction (since the City can only afford to build 4 fields but desires a larger number), and if so how much?
- Would the County consider allowing the City to control programming of use of the fields?
- What does the County anticipate to be its timeline for making a decision?

On November 13, 2013, City Council Rules Committee voted to place reconsideration of the item on the upcoming Tuesday, November 19<sup>th</sup> Council Agenda. The County Executive will be sending a written communication to the City apprising them of the Board of Supervisors' current direction to staff.

Copy:

Gary A. Graves, Chief Operating Officer  
Lynn Regadanz, Clerk of the Board

Attachments:

- Draft City Council Summary 11-5-2013
- Memo from Councilmembers Khamis and Constant 10-31-2013



## 5. NEIGHBORHOOD SERVICES

### 5.1 Bond Funded Softball Facility Update.

**Recommendation:**

- (a) Accept the Measure P Bond funded Softball Facility Site Selection Study ("Study").
- (b) Direct staff to proceed with next steps toward implementing recommendations outlined in the Study as follows:
  - (1) Pursue negotiations with the owners of the Arcadia site for the development of a softball facility at that site with a minimum of three adult sized lighted softball fields.
  - (2) Return to the City Council in 2014 with recommendations on how to use any remaining reserves in the park bond funds.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Parks, Recreation and Neighborhood Services)

**Heard First in the Evening.**

The memorandum from Council Members Khamis and Constant, dated October 31, 2013, was approved including the following direction to Staff:

- (1) Action on Item 5.1 on the November 05, 2013 Agenda was deferred.
  - (2) Staff was directed to explore the option of locating a softball complex at the Santa Clara Fairgrounds location.
  - (3) Agendize Item 5.1 upon completion of an evaluation of the Santa Clara County Fairgrounds location.
  - (4) Provide clear Council direction that, regardless of which site is ultimately selected, the softball complex constructed should have at least six softball fields.
  - (5) Staff directed to report back to Council by February 1, 2014.
- Noes: Herrera, Kalra, Liccardo, Nguyen; Reed.



# Memorandum

**TO:** HONORABLE MAYOR AND CITY COUNCILMEMBERS

**FROM:** Councilmember Johnny Khamis  
Councilmember Pete Constant

**SUBJECT:** DEFER ACTION ON ITEM 5.1 FOR FURTHER STUDY OF SANTA CLARA COUNTY FAIRGROUNDS OPTION

**DATE:** October 31, 2013

**APPROVED:**  

**DATE:** 10/31/13

## RECOMMENDATION

1. Defer action on 11/05/13 Agenda Item 5.1.
2. Request staff to explore the option of locating a softball complex at the Santa Clara County Fairgrounds location.
3. Re-agendize Item 5.1 upon completion of an evaluation of the Santa Clara County Fairgrounds location.
4. Provide clear Council direction that, regardless of which site is ultimately selected, the softball complex constructed should have at least six softball fields.

## OUTCOME

Deferring action on Agenda Item 5.1 will allow time for talks to occur between the City of San Jose and the County of Santa Clara and for staff to complete further evaluation of the Santa Clara County Fairgrounds location as the site for a new softball complex.

## BACKGROUND

The purpose of Measure P, adopted by voters in 2000, was to increase or enhance sports facilities throughout San José. Although not explicitly spelled out in the measure, it has been the goal of the City to construct a soccer and softball complex with the bond funding. The soccer complex was recently approved by the City Council and is under construction. The objective of these complexes was clearly defined previously by City as, "...to intentionally move organized adult play and tournament play away from neighborhood fields in order to increase access for youth play and unstructured play in neighborhood parks."<sup>1</sup>

A location with less than six softball fields can hardly be considered a complex in the context of the previously stated objective. Of the options presented, only three sites can provide between 6-8 fields. Of those three options, only two are cost effective: the Santa Clara County Fairgrounds site or the Shady Oaks site.

HONORABLE MAYOR AND CITY COUNCILMEMBERS

November 5, 2013

**Subject: Agenda Item 5.1 - DEFER ACTION ON ITEM 5.1 FOR FURTHER STUDY OF  
SANTA CLARA COUNTY FAIRGROUNDS OPTION**

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The Fairgrounds location is potentially the better-suited location for a softball complex. The Fairgrounds site would allow for construction of a truly world-class, multi-field softball complex that would have the capacity to draw major tournaments, and thus visitors, from throughout the U.S. and internationally. It is centrally located within the City, is in close proximity to public transit, and does not serve as critical habitat for protected species.

The major drawback of the Fairgrounds location is that the property is owned by Santa Clara County. However, given the recent interest of several County Supervisors to see a softball complex built on this site, it is in the best interest of the City to further pursue this location.

Furthermore, should the Fairgrounds location prove to be untenable, the preferable site should be the Shady Oaks site, or another site that can provide six or more softball fields.

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<sup>1</sup> [http://www3.sanjoseca.gov/clerk/CommitteeAgenda/NSE/021408/NSE021408\\_e.pdf](http://www3.sanjoseca.gov/clerk/CommitteeAgenda/NSE/021408/NSE021408_e.pdf)